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Filing date: **10/17/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91152940
Party	Plaintiff SINCLAIR OIL CORPORATION SINCLAIR OIL CORPORATION ,
Correspondence Address	JOHN C. STRINGHAM WORKMAN, NYDEGGER & SEELEY 1000 EAGLE GATE TOWER, 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111
Submission	Motion to Extend
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Date	10/17/2006
Attachments	024 motion for extension of time.pdf (4 pages)(107021 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 76/212,011
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35
Filed: February 20, 2001
Mark: STAACHI'S CO. 1996 & DESIGN

SINCLAIR OIL CORPORATION)	Opposition No. 91152940
Opposer,)	
v.)	MOTION FOR EXTENSION OF TIME TO
SUMATRA KENDRICK)	RESPOND TO APPLICANT'S
Applicant.)	"AMENDMENT TO NOTICE OF
)	OPPOSITION"

Opposer Sinclair Oil Corporation ("Sinclair Oil") hereby moves for a one-week extension of time to respond to Applicant's "Amendment to Notice of Opposition" dated September 27, 2006. Applicant's "Amendment to Notice of Opposition" was served by first class mail. Accordingly, pursuant to the applicable rules, Sinclair Oil's response is due October 17, 2006. The requested one week extension would make Sinclair Oil's response due October 24, 2006.

The standard for granting an extension of a prescribed period prior to the expiration of that period is good cause. *See* Fed.R.Civ.P. 6(b)(1) and TBMP Section 509. The Board is liberal in granting an extension of time when the extension is filed prior to the expiration of the time period, when "the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused." *American Vitamin Prods., Inc. v. Dow Brands, Inc.*, 22 USPQ2d 1313, 1316 (TTAB 1992).

Sinclair Oil has not “been guilty of negligence or bad faith” and has not abused the privilege of extensions. Rather, counsel for Sinclair Oil has been traveling and has also been tied up on a separate matter currently pending before the United States District Court, District of Arizona involving a motion for preliminary injunction. Sinclair Oil respectfully submits that this is sufficient to meet the required showing of good cause. *See Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolentini Spoletoducale SCRL*, 59 USPQ2d 1383, 1383-84 (TTAB 2001) (“The press of other litigation may indeed constitute good cause for an extension of time” even when seeking to extend the testimony period.).

In addition, in an Order mailed August 28, 2006 the Board allowed Applicant thirty (30) days to file an Answer to the Amended Notice of Opposition and an Opposition to the Motion for Summary Judgment filed by Sinclair Oil. On September 27, 2006, Applicant filed the document entitled “Amendment to Notice of Opposition.” It is currently unclear to Sinclair Oil what Applicant was responding to when she filed the “Amendment to Notice of Opposition.” As a result, there is uncertainty as to what response from Sinclair Oil is necessary and/or appropriate.

Counsel for Sinclair Oil represents that the present motion is not for the purpose of delay or other impermissible purpose. Counsel for Sinclair Oil attempted to contact Applicant on multiple occasions but was not able to speak with Applicant to obtain agreement on the present request for an extension of time. The present Opposition is currently suspended and the requested extension will not prejudice Applicant.

Thus, Sinclair Oil respectfully submits that it has established good cause and its motion for a one week extension of time should be granted.

DATED this 17th day of October, 2006.

By: Robyn L. Phillips

John C. Stringham, Registration No. 40,831
Robyn L. Phillips, Registration No. 39,330

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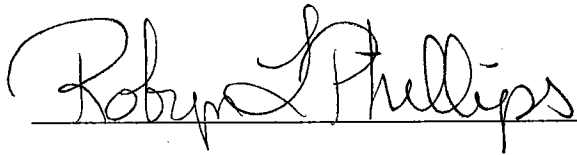
Attorneys for Opposer

SINCLAIR OIL CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION FOR EXTENSION OF TIME TO RESPOND TO APPLICANT'S "AMENDMENT TO NOTICE OF OPPOSITION" was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 17th day of October, 2006, in an envelope addressed as follows:

Sumatra Kendrick
P.O Box 21055
El Sobrante, California 94820



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